

1 HONORABLE DAVID G. ESTUDILLO  
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9 UNITED STATES DISTRICT COURT  
10 WESTERN DISTRICT OF WASHINGTON  
11 AT TACOMA

12 RAYMOND PARKER, AS PERSONAL  
13 REPRESENTATIVE FOR THE ESTATE  
14 OF ARON CHRISTENSEN and ITS  
15 BENEFICIARIES,

Plaintiff,

v.

MICHAEL R. ASBACH, an individual; and  
ETHAN ASBACH, an individual,

Defendants.

Case No. 3:24-cv-05679-DGE

**FIRST AMENDED COMPLAINT FOR  
WRONGFUL DEATH, NEGLIGENCE,  
BATTERY, CONVERSION, AND  
STRICT LIABILITY FOR ENGAGING  
IN AN ABNORMALLY DANGEROUS  
ACTIVITY**

**REQUEST FOR JURY TRIAL**

16 Plaintiff, by his undersigned attorney, alleges as follows:

17 **I. INTRODUCTION**

18 1.1 On or about August 19, 2022, Aron Lars Christensen (“Aron”) was killed by gunfire  
19 while hiking with his four-month-old blue heeler puppy, Buzzo, on the Walupt Lake Trail in the  
20 Gifford Pinchot National Forest, located in Lewis County, Washington. During the events in  
21 question, Buzzo was also killed.

22 1.2 Within 48 hours of the killings, Lewis County Sheriff’s Office (“LCSO”) and the  
23 Lewis County Coroner’s Office (“LCCO”) knew that defendant Ethan Asbach (“Ethan”) was the  
24 shooter and that, as a 19-year-old, Ethan was unlawfully carrying a firearm that Ethan’s father,  
25 defendant Michael Asbach (“Michael”) unlawfully gave and entrusted to him.

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1       1.3     Despite the Asbachs' admissions, in April 2023, Lewis County Prosecutor,  
2 Jonathan Meyer ("Meyer"), refused to prosecute the Asbachs for Aron's and Buzzo's deaths. In  
3 support of his decision, Meyer cited law enforcement negligence and efforts to push a false  
4 narrative that Aron died by heart attack. Given Lewis County's utter abdication of its law  
5 enforcement responsibilities and refusal to hold the Asbachs to account for Aron's and Buzzo's  
6 deaths, plaintiff has no choice but to bring this lawsuit.

## **II. THE PARTIES**

8       2.1 Plaintiff Raymond Parker (“Plaintiff”) is the personal representative for the Estate  
9 of Aron Christensen (“the Estate”), as appointed by the Circuit Court for the State of Oregon for  
10 the County of Clackamas in Case No. 23PB00403.

11       2.2 Plaintiff brings this action on behalf of the Estate. In one set of claims, Plaintiff  
12 seeks to recover for the Estate the personal losses suffered by Aron in accordance with  
13 Washington's Survival of Action statute, RCW 4.20.060. In another set of claims, Plaintiff seeks  
14 to recover losses suffered by the beneficiaries of Aron's Estate due to Aron's wrongful death.  
15 RCW 4.20.010 and 4.20.020. Aron's beneficiaries are Aron's mother, Martha Christensen  
16 ("Martha"), father, Richard Christensen ("Richard"), sister, Natalie Parker ("Natalie"), and  
17 brother, Corey Christensen ("Corey"). *Id.*

18       2.3     Defendant Michael Asbach (“Michael”) is the father of Defendant Ethan Asbach  
19 (“Ethan”) (collectively, “the Asbachs”). Both Ethan and Michael are citizens of Washington State,  
20 residing in Thurston County.

### **III. JURISDICTION AND VENUE**

22       3.1     This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332.  
23 Plaintiff is a citizen of the state of Oregon. At the time of his death, Aron was a citizen of Oregon.  
24 Each of Aron's beneficiaries named in Paragraph 2.2 above are also citizens of Oregon.

25        3.2 The Asbachs are both citizens of the state of Washington, and the amount in  
26 controversy exceeds the sum of \$75,000.

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3.3     Venue is proper in this District and Division because the events at issue occurred in Lewis County and Thurston County, Washington, the Asbachs reside in Thurston County, Washington, and are subject to this Court's personal jurisdiction with respect to these claims.

3.4 Pursuant to Federal R. Civ. P. 38 and LCR 38(b), Plaintiff hereby demands that this matter be tried to a jury.

#### **IV. NATURE OF ACTION**

4.1 As the personal representative for Aron's Estate, Plaintiff brings this suit against the Asbachs for the harms and losses suffered by Aron's beneficiaries as a result of the Asbachs' negligent and wrongful conduct that proximately caused Aron's wrongful death. RCW 4.20.010 and RCW 4.20.020. Plaintiff also brings this suit against the Asbachs for the harms and losses suffered by Aron before his death because of the Asbachs' negligence, battery, strict liability for engaging in an abnormally dangerous activity, and conversion. RCW 4.20.060.

## **V. STATEMENT OF FACTS**

## Aron and Buzzo Travel with Friends to Walupt Lake Campground

5.1 In August 2022, Aron was a 49-year-old musician residing in Portland, Oregon. He had also recently landed his dream job working at a record reproduction company, Cascade Record Pressing. Although unmarried, Aron's life was full and happy. Aron was loved by his friends, many of whom referred to him as their "Rock," his parents Richard and Martha, his siblings Corey and Natalie, and his brother-in-law, Raymond. And, recently, Aron had adopted a blue heeler puppy named "Buzzo."

5.2 In August 2022, Aron, and then-four-month-old Buzzo, and several of Aron's friends, planned an annual camping trip together. This year's destination was the Walupt Lake Campground, located in the Gifford Pinchot National Forest, in Lewis County, Washington. Everyone was excited and joyful about the trip in the aftermath of the COVID-19 pandemic. Aron was particularly excited to share outdoor time with Buzzo.

5.3 On Thursday, August 18, 2022, Aron with Buzzo in tow, drove to Walupt Lake

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1 with his dear friend, Ezra Meredith (“Ezra”). Upon arrival at the campground, Aron, Buzzo, and  
2 Ezra joined Ezra’s wife and children and several others for the weekend.

3        5.4      On the evening of August 18, 2022, Aron and Buzzo stayed with their group at the  
4 Walupt Lake Campground. On the morning of Friday, August 19, 2022, however, Aron told Ezra  
5 that he and Buzzo were going to do a 13-mile “bonding” hike together, and they would be back  
6 the next day in time to help prepare dinner for the group. An avid outdoorsman since his childhood,  
7 Aron was ecstatic to spend this time with Buzzo in such a beautiful part of Washington State.

8        5.5 Aron and Buzzo set off on their bonding hike, traveling along Walupt Lake trail  
9 due east. Aron and Buzzo hiked several miles that day out to some mountain lakes, but then opted  
10 to turn back. Rather than go directly back to the campground, it appears, based on location data,  
11 Aron and Buzzo pulled off the main trail into an opening to rest and relax for the rest of the day.  
12 Their exact movements that day cannot be fully defined, given Aron's unavailability as a witness.

## **Michael Travels to Walupt Lake Campground and Then to Sheep Lake**

14        5.6 Michael was also camping near Walupt Lake that weekend of August 19 through  
15 21, 2022. On Friday, August 19, 2022, at or about 11:30 a.m., Michael arrived at Walupt Lake  
16 Campground. Michael did not stay in the campground, nor did he take the Walupt Lake Trail.  
17 Instead, Michael and his friends took a trail, known as the Nannie Ridge Trail. Both the Nannie  
18 Ridge and Walupt Lake Trails start at the same trail head close to the campground but the Nannie  
19 Ridge Trail forks to the left and north of the Walupt Lake Trail, while Walupt Lake Trail deviates  
20 to the right and continues along the lake.

5.7 Michael and his party headed due north along the Nannie Ridge Trail to a higher elevation lake, known as Sheep Lake, where Michael planned to camp through Sunday, August 21, 2022. The purpose of the trip was purportedly bear hunting.

24 5.8 Michael's son, Ethan, purportedly planned to join Michael's camping party that

1 weekend. Ethan wanted his girlfriend, KAB,<sup>1</sup> to come too. But, KAB could not join Ethan until  
2 she finished work in the afternoon of Friday, August 19, 2022.

3       5.9     Ethan and KAB therefore planned to drive up to Walupt Lake late afternoon on  
4 August 19, 2022, and then hike up to Sheep Lake that evening or the next morning.

5       5.10    When making arrangements with Ethan about meeting up, Michael gave Ethan  
6 directions to get to Sheep Lake via Nannie Ridge. Michael also instructed Ethan to collect  
7 Michael's Taurus 9mm handgun from Michael's truck and pack it for Ethan's trip. Priming the  
8 pump for disaster, Michael specifically entrusted Ethan with the gun, and concurrently told Ethan  
9 to bring the gun for protection against wild animals in the area. Ethan followed Michael's  
10 instructions.

11       5.11    On August 19, 2022, Ethan was only 19 years old and, therefore, was prohibited  
12 from carrying a handgun in the Gifford Pinchot National Forest, pursuant to RCW 9.41.240(2).  
13 Indeed, Ethan's simple act of taking the gun from the premises of the Asbach home and carrying  
14 the gun into the Gifford Pinchot National Forest constituted a misdemeanor. Michael's act of  
15 instructing Ethan to take the gun into the forest also violated his statutory obligation to safely store  
16 his firearm. See RCW 9.41.360.

17       5.12    Both Ethan and Michael purport to be experienced gunowners and, therefore,  
18 neither of them should have disregarded the law and basic rules of firearm safety.

19                   **Ethan and KAB Arrive at Walupt Lake Campground and Flee the Next Day**

20       5.13    Ethan and KAB arrived at the Walupt Lake Campground in the evening of  
21 August 19, 2022. Rather than stay at the Walupt Lake Campground that evening, they decided to  
22 hike to Sheep Lake, and set off to do so. Ethan and KAB, however, missed the crucial left turn up  
23 the Nannie Ridge Trail and, instead, continued down Walupt Lake Trail.

24       5.14    According to Ethan, about 90 or 100 minutes into the hike, he and KAB heard  
25

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26       <sup>1</sup> KAB was a minor at the time and, therefore, only her initials are disclosed in this pleading.  
27

1 growling. Allegedly fearing a wild animal attack, Ethan claims to have slowly maneuvered to grab  
2 the gun and magazine out of his pack. Ethan claims that he yelled at the animal to go away, but it  
3 would not comply. Thereafter, as soon as his headlamp illuminated the animal's eyes, purportedly  
4 about 15 to 20 feet away, Ethan claimed he fired one shot striking the animal. Ethan claims the  
5 animal died in 30 seconds or less.

6       5.15 Upon investigating what he shot, Ethan purportedly saw a dead human body that  
7 was "blue" and turned out to be Aron and his dead puppy—Buzzo.

8       5.16 Ethan admitted to seeing a bullet hole in Aron's body but claimed that he only fired  
9 one shot and the bullet must have gone through Buzzo and into Aron's body.

10      5.17 Ethan claims to have collected the spent round and thereafter he and KAB started  
11 hiking again between 11:40 p.m. and 12:15 a.m.

12      5.18 Ethan claimed that he and KAB returned to Walupt Lake Campground to try to find  
13 his dad, and then ended up getting lost on the Pacific Crest Trail, where they eventually camped  
14 for the night.

15      5.19 At no time did Ethan or KAB seek help from other campers or hikers, despite  
16 hundreds of people being close by at Walupt Lake Campground, mere feet across a paved parking  
17 lot from the trailhead.

18      5.20 At no time did Ethan or KAB try to call 911.

19      5.21 At no time did Ethan or KAB try to revive Aron.

20      5.22 Ethan admitted to law enforcement that he believed he killed Aron, but he was  
21 afraid that he, his dad, and KAB were going to be in trouble. From the time of the shooting through  
22 all of the next day, Ethan and KAB claim to have floundered lost in the woods for several hours.  
23 Ultimately, Ethan and KAB claim to have returned to the Walupt Lake Campground. During this  
24 time, Ethan and KAB again did not say a word to any of the numerous people around them. Instead,  
25 Ethan and KAB fled back to Tenino (a three-hour drive) to wait for Michael to return from  
26 camping. After Michael returned to Tenino on Sunday, August 21, 2021, Michael contacted the

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1 LCSO to report the shooting.

2

3                   **LCSO Is Dispatched to the Walupt Lake Area After Receiving News**

4                   **of Aron's and Buzzo's Deaths and Aron's Gunshot Wound**

5         5.23 On or about Saturday, August 20, 2022, around 2 p.m. in the afternoon, hikers  
6 discovered Aron's and Buzzo's remains and observed an obvious gunshot wound in Aron's  
7 abdomen. These campers immediately reported their discovery to the Walupt Lake Campground  
8 hosts, who in turn reported the incident to 911, via a SOS call at 4:04 p.m. Aron and Buzzo were  
9 eventually "packed out" of the woods and the coroner then took custody.

10         5.24 An autopsy of Aron would later confirm that he died by homicide from a gunshot  
11 wound. The first vet to examine Buzzo concluded that the puppy died by stabbing.

12         5.25 Despite knowing who killed Aron and Buzzo, on or about April 13, 2023, the Lewis  
13 County Prosecutor announced that he would not prosecute any claims against Ethan or Michael.  
14 This news was utterly devastating to Aron's family and friends.

15         5.26 To date, the State of Washington officials have taken no further action. Ethan and  
16 Michael walk free with impunity. In contrast, Aron's beneficiaries have been deprived of a life  
17 without Aron. They have suffered extreme emotional distress. Their lives have been wholly  
18 interrupted and forever changed. All of Aron's beneficiaries have incurred economic loss, loss of  
19 companionship, emotional distress, and severe pain and suffering.

20         5.27 Likewise, Aron suffered horribly because of this senseless act. Aron suffered  
21 severe pain before his death. He was incapacitated by the gun shot and alive for several hours  
22 before he died. During that time, he watched his puppy die and was left alone and abandoned in  
23 the dark woods with no means to obtain help. Aron has been deprived of a joyful life with his  
24 family and friends, economic earnings, other job benefits to be shared with familial members,  
25 incurred economic loss, loss of companionship, emotional distress, and severe pain and suffering.

26                   **VI. FIRST CLAIM FOR RELIEF**

27                   **(Aron's Surviving Claim for Negligent Entrustment Against Defendant Michael Asbach)**

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1 Plaintiff repeats and realleges all the foregoing allegations set forth in Sections I through  
2 V, above.

3 6.1 The Asbachs pride themselves as experienced and knowledgeable gunowners but  
4 know that they must always act with due care with their firearms.

5 6.2 Michael owned the firearm that killed Aron, had the power to permit or prohibit the  
6 use of this firearm, and a duty to keep it safe from unlawful use.

7 6.3 Michael knew or should have known that his son, Ethan, who was only 19 years  
8 old in August 2022, was inexperienced, imprudent, and prohibited from carrying a pistol into the  
9 Gifford Pinchot Wilderness area. Michael knew or had reason to know that Ethan was likely to  
10 carry and use the firearm in a negligent or reckless manner.

11 6.4 Michael had a duty to keep his firearm secure and safe while not in his personal  
12 possession; to not entrust it to a young and inexperienced person, prohibited by law from having  
13 that gun; and to not inflame the fears of that prohibited person when he was to carry the gun on a  
14 heavily trafficked public trail during the peak of camping season at Walupt Lake.

15 6.5 Michael disregarded his duties when he instructed Ethan to pack Michael's pistol  
16 and ammunition in Ethan's backpack for the camping trip "for protection against wild animals."

17 6.6 But for Michael's negligent conduct in entrusting his firearm to Ethan rather than  
18 keep it safely stored, Aron and Buzzo would never have been shot and killed.

19 6.7 As a direct and proximate cause of Michael's negligence, Aron (and Buzzo) are  
20 now dead. Before his death, Aron suffered extreme fear, pain, humiliation, confusion, and anxiety  
21 for hours alone in the woods next to his dead puppy. Aron's Estate is entitled to damages for  
22 Aron's injuries.

## 23 **VII. SECOND CLAIM FOR RELIEF**

### 24 **(Aron's Surviving Claim for Negligence Per Se Against Defendant Michael Asbach)**

25 7.1 Plaintiff repeats and realleges all the foregoing allegations in Sections I through VI,

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1 above.

2       7.2     As the owner of the pistol, Michael had a statutory duty pursuant to RCW 9.41.360  
3 to store the gun in a place where a prohibited person, including his 19-year-old son, could not gain  
4 access to it and unlawfully take it into the woods in violation of RCW 9.41.240(2).

5       7.3     Michael disregarded his statutory duty by storing the gun in his truck, and  
6 instructing Ethan to gather the gun and ammunition and take those items with him into the Gifford  
7 Pinchot Wilderness area.

8       7.4     Because Ethan caused injury and death to Aron with the firearm Michael illegally  
9 gave to Ethan, Michael's conduct constitutes community endangerment due to unsafe storage of a  
10 firearm in violation of RCW 9.41.360, and therefore is negligence per se.

11      7.5     But for Michael's negligence per se, Ethan would not have shot Aron.

12      7.6     As a direct and proximate cause of Michael's negligence, Aron (and Buzzo) are  
13 now dead. Before his death, Aron suffered extreme fear, pain, humiliation, confusion, and anxiety  
14 for hours alone in the woods next to his dead puppy. Aron's Estate is entitled to recover damages  
15 for Aron's injuries.

### 16                   **VIII. THIRD CLAIM FOR RELIEF**

#### 17                   **(Wrongful Death Against Defendant Michael Asbach)**

18      8.1     Plaintiff repeats and realleges all the foregoing allegations in Sections I through  
19 VII, above.

20      8.2     As a direct and proximate cause of Michael's negligence, Aron (and Buzzo) are  
21 now dead, and Aron's beneficiaries are permanently deprived of Aron's companionship and  
22 economic contributions to the family. In addition, Aron's beneficiaries have suffered extreme  
23 emotional distress and economic loss because of needlessly losing Aron, for which Aron's  
24 beneficiaries are entitled to damages.

### 25                   **IX. FOURTH CLAIM FOR RELIEF**

#### 26                   **(Aron's Surviving Claim for Negligence Against Defendant Ethan Asbach)**

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1           9.1 Plaintiff repeats and realleges all the foregoing allegations in Sections I through  
2 VIII, above.

3        9.2     As a person trained in firearms, then 19-year-old Ethan knew or should have  
4 known: (1) he was prohibited from carrying a pistol into the Gifford Pinchot Wilderness area;  
5 and, (2) the basic rules of firearm safety and how to apply these rules under the circumstances at  
6 hand (especially when carrying at night, during the summer season when hiking trails in the area  
7 would be teeming with hikers and campers).

8        9.3     Ethan knowingly or negligently and wrongfully disregarded his duties and failed to  
9 conform his conduct to that of a reasonably prudent person under the circumstances.

10        9.4     But for Ethan's conduct, Aron would never have been shot. Moreover, but for  
11      Ethan's decision to flee the scene and fail to seek help, Aron (and Buzzo) would not have died  
12      alone, suffering in the woods.

13        9.5      As a direct and proximate cause of Ethan's negligence, Aron (and Buzzo) are now  
14 dead. Before his death, Aron suffered extreme fear, pain, humiliation, confusion, and anxiety for  
15 hours alone in the woods next to his dead puppy for which the Estate is entitled to recover damages.

## **X. FIFTH CLAIM FOR RELIEF**

(Aron's Surviving Claim for Negligence Per Se Against Defendant Ethan Asbach)

18           10.1 Plaintiff repeats and realleges all the foregoing allegations in Sections I through IX,  
19 above.

20        10.2 At 19 years old, Ethan was statutorily prohibited from carrying a pistol into the  
21 Gifford Pinchot Wilderness area. Ethan's act of doing so constitutes negligence per se.

22        10.3 But for Ethan’s conduct, Aron would never have been shot. Moreover, but for  
23 Ethan’s decision to flee the scene and fail to seek help for more than 48 hours, Aron (and Buzzo)  
24 would not have died alone, suffering in the woods.

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1           10.4 As a direct and proximate cause of Ethan's negligence, Aron (and Buzzo) are now  
2 dead. Before his death, Aron suffered extreme fear, pain, humiliation, confusion, and anxiety for  
3 hours alone in the woods next to his dead puppy for which the Estate is entitled to recover damages.

## **XI. SIXTH CLAIM FOR RELIEF**

**(Aron's Surviving Claim for Battery Against Defendant Ethan Asbach)**

Plaintiff repeats and realleges all the foregoing allegations in Sections I through X, above.

11.1 Alternatively, Ethan intended to cause harmful contact with Aron when he fired Michael's gun at Aron. Ethan's actions directly resulted in Aron sustaining harm and caused his death.

11.2 Aron (and Buzzo) are now dead. Before his death, Aron suffered extreme fear, pain, humiliation, confusion, and anxiety for hours alone in the woods next to his dead puppy for which the Estate is entitled to recover damages.

## XII. SEVENTH CLAIM FOR RELIEF

**(Aron's Surviving Claim for Strict Liability for Engaging in an Abnormally Dangerous Activity Against Defendant Ethan Asbach)**

12.1 Plaintiff repeats and realleges all the foregoing allegations in Sections I through XI, above.

12.2 When Ethan decided to discharge a firearm, at night, with only a dim headlamp, on a heavily trafficked public trail in the peak of hiking season (the week before Labor Day Weekend), there existed a high degree of risk of harm to persons, land, and property of others.

12.3 There existed a high likelihood that any harm resulting from firing of a gun under these conditions would be great, a risk that could not be eliminated by exercising reasonable care. This activity is not commonly practiced by hikers, was highly inappropriate where it occurred, and the balance of this activity's value against its dangerous attributes could not rationalize such

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1 | behavior.

12.4 Ethan's abnormally dangerous conduct was the cause of Aron's death and, thus, he  
is strictly liable for any harm that occurred to Aron and his Estate. Before his death, Aron suffered  
extreme fear, pain, humiliation, confusion, and anxiety for hours alone in the woods next to his  
dead puppy for which the Estate is entitled to recover damages.

### **XIII. EIGHTH CLAIM FOR RELIEF**

## **(Wrongful Death Against Defendant Ethan Asbach)**

8           13.1 Plaintiff repeats and realleges all the foregoing allegations in Sections I through  
9 XII, above.

13.2 As a direct and proximate cause of Ethan's tortious conduct as alleged in the fourth,  
fifth, sixth and seventh claims for relief, Aron (and Buzzo) are now dead. Aron's beneficiaries are  
permanently deprived of Aron's companionship and economic contributions to the family. In  
addition, Aron's beneficiaries have suffered extreme emotional distress and economic loss because  
of needlessly losing Aron. Aron's beneficiaries are entitled to damages for this.

#### **XIV. NINTH CLAIM FOR RELIEF**

(Aron's Survival Claim for Conversion Against Defendant Ethan Asbach)

17       14.1 Plaintiffs repeat and reallege all the foregoing allegations in Sections I through XIII,  
18 above.

14.2 Buzzo was Aron's best friend and property.

14.3 Ethan admits he killed Buzzo.

14.4 When Ethan killed Buzzo, Aron and his Estate were deprived the possession of  
Buzzo and the use and enjoyment of the many years this puppy had ahead of him.

## XV. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for a judgment as follows:

A. Judgment in favor of Plaintiff for the benefit of the Estate and against Michael Asbach on any one or all of Plaintiff's claims of negligence per se and negligent entrustment in

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the amount of not less than \$1,500,000;

B. Judgment in favor of Plaintiff for the benefit of Aron's beneficiaries and against Michael Asbach for Aron's wrongful death in the amount of not less than \$1,500,000;

C. Judgment in favor of Plaintiff for the benefit of the Estate and against Ethan Asbach on any one or all of Plaintiff's claims for negligence, battery, and strict liability for engaging in an abnormally dangerous activity in the amount of not less than \$1,500,000;

D. Judgment in favor of Plaintiff for the benefit of Aron's beneficiaries and against Ethan Asbach for Aron's wrongful death in the amount of not less than \$1,500,000; and

E. Judgment in favor of Plaintiff for the benefit of Aron's Estate and against Ethan Asbach for the conversion in an amount to be decided by the jury.

F. For any other relief allowed by law, which the Court deems just and proper.

DATED: September 3, 2024

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By:

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FIRST AMENDED COMPLAINT FOR WRONGFUL DEATH, NEGLIGENCE, BATTERY, CONVERSION, AND STRICT LIABILITY FOR ENGAGING IN AN ABNORMALLY DANGEROUS ACTIVITY - 13

CASE NO. 3:24-cv-05679-DGE  
720206.0001/9863319.2

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